



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/730,581 | 12/08/2003 | Per-Olof Davidsson | 03384- P0009A | 2101 |
| 24126 | 7590 | 12/20/2005 | EXAMINER | |
| ST. ONGE STEWARD JOHNSTON & REENS, LLC 986 BEDFORD STREET STAMFORD, CT 06905-5619 | | | LE, DAVID D | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 3681 | |
| DATE MAILED: 12/20/2005 | | | | |

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/730,581

Applicant(s)

DAVIDSSON, PER-OLOF

Examiner

David D. Le

Art Unit

3681

The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 October 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-8 is/are pending in the application.
- 4a) Of the above claim(s) 3-5 and 8 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 6 and 7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. This is the second Office action on the merits of Application No. 10/730,581, filed on 08 December 2003. Claims 1 and 3-8 are pending. Of those pending claims, claims 3-5 and 8 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species.

Note:

Examiner has noted that claim 3 is currently dependent upon the cancelled claim

2.

Documents

2. The following documents have been received and filed as part of the patent application:
- Information Disclosure Statement, received on 11/12/04
 - Declaration and Power of Attorney, received on 05/24/04
 - Foreign Priority Document, received on 12/08/03

Claim Rejections – 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. **Claims 1 and 6-7 are rejected under 35 U.S.C. 102(b) as being anticipated by WO 97/04245 (WO'245).**

Claims 1 and 6-7:

WO'245 (i.e., Figs. 1 and 3; page 4, line 9 – page 10, line 6) discloses a device for transmitting torque between two rotatable shafts comprising:

- A clutch (i.e., Fig. 1, vicinity of elements 12 and 14) between the two shaft members (i.e., Fig. 1, elements 1 and 2) and engageable to counteract rotational speed differential between the shaft members by means of a hydraulic piston under the control of an electrically controlled throttle or pressure valve,
- A clutch pump (i.e., Fig. 3, being the combination of elements 55-57) for supplying hydraulic pressure to the hydraulic piston;
- Wherein the clutch pump is a differential pump driven by the rotational speed differential between the two shaft members (i.e., page 9, lines 15-21);
- Wherein the hydraulic piston, the valve, and the clutch pump are connected in a hydraulic system also containing a feeder pump (i.e., Fig. 3, element 35) for maintaining a certain base pressure in the system (i.e., Fig. 3);
- Wherein the hydraulic system conditionally allows flow from the feeder pump past the valve to the hydraulic piston irrespective of the flow from the clutch pump (i.e., Fig. 3);
- Wherein the hydraulic system in a closed portion (i.e., page 11, being the recitations of claims 1 and 2) comprises lines from the differential pump, through the electrically controlled throttle (i.e., Fig. 3, element 38) to the clutch, the portion including check-valves (i.e., Fig. 3, elements 32 and 39), and in which oil

may be supplied by the feeder pump from a reservoir (i.e., Fig. 3, element 33) and may be removed to the reservoir via an overflow valve (i.e., Fig. 3, element 34);

- Wherein the feeder pump and the differential pump are connected in parallel by means of a check-valve between the feeder pump and the electrically controlled throttle or pressure valve (i.e., Fig. 1 or 3); and
- Wherein an overflow valve is connected in parallel over the check-valve (i.e., Fig. 1 or 3).

Response to Arguments

5. Applicant's arguments with respect to claims 1 and 6-7 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

Art Unit: 3681


will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David D. Le whose telephone number is 571-272-7092. The examiner can normally be reached on Mon-Fri (0700-1530).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles A. Marmor can be reached on 571-272-7095. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


ddl


CHARLES A. MARMOR
SUPERVISORY PATENT EXAMINER
3681